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INFO RUEHAD/AMEMBASSY ABU DHABI PRIORITY 0178  
RUEHUJA/AMEMBASSY ABUJA PRIORITY 0143  
RUEHAK/AMEMBASSY ANKARA PRIORITY 0702  
RUEHTH/AMEMBASSY ATHENS PRIORITY 0012  
RUEHBJ/AMEMBASSY BEIJING PRIORITY 1035  
RUEHBS/AMEMBASSY BRUSSELS PRIORITY 1375  
RUEHEG/AMEMBASSY CAIRO PRIORITY 0218  
RUEHBY/AMEMBASSY CANBERRA PRIORITY 0751  
RUEHCP/AMEMBASSY COPENHAGEN PRIORITY 0507  
RUEHDJ/AMEMBASSY DJIBOUTI PRIORITY 0005  
RUEHKL/AMEMBASSY KUALA LUMPUR PRIORITY 0108  
RUEHLI/AMEMBASSY LISBON PRIORITY 0210  
RUEHLO/AMEMBASSY LONDON PRIORITY 0013  
RUEHMD/AMEMBASSY MADRID PRIORITY 0687  
RUEHMO/AMEMBASSY MONROVIA PRIORITY 0040  
RUEHNP/AMEMBASSY MOSCOW PRIORITY 2065  
RUEHMS/AMEMBASSY MUSCAT PRIORITY 0007  
RUEHNR/AMEMBASSY NAIROBI PRIORITY 0148  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0577  
RUEHNY/AMEMBASSY OSLO PRIORITY 0432  
RUEHOT/AMEMBASSY OTTAWA PRIORITY 1171  
RUEHZP/AMEMBASSY PANAMA PRIORITY 0136  
RUEHFR/AMEMBASSY PARIS PRIORITY 0562  
RUEHRH/AMEMBASSY RIYADH PRIORITY 0265  
RUEHRO/AMEMBASSY ROME PRIORITY 2107  
RUEHYN/AMEMBASSY SANAA PRIORITY 0114  
RUEHUL/AMEMBASSY SEOUL PRIORITY 0582  
RUEHGP/AMEMBASSY SINGAPORE PRIORITY 0213  
RUEHSM/AMEMBASSY STOCKHOLM PRIORITY 0440  
RUEHTC/AMEMBASSY THE HAGUE PRIORITY 1200  
RUEHKO/AMEMBASSY TOKYO PRIORITY 1620  
RUCNDT/USMISSION USUN NEW YORK PRIORITY 0790

C O N F I D E N T I A L BERLIN 000831

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E.O. 12958: DECL: 07/09/2019  
TAGS: [EWWT](#) [MARR](#) [PGOV](#) [PHSA](#) [PHUM](#) [PREL](#) [MOPS](#) [GM](#)  
SUBJECT: CGPCS: GERMANY AGREES ON PARTICIPATION ISSUE, BUT  
IS STILL OFFSIDE REGARDING INTERNATIONAL TRIBUNAL

REF: A. STATE 66632  
[1](#)B. BERLIN 580

Classified By: ACTING POLITICAL MINISTER COUNSELOR STAN OTTO. REASONS:  
1.4 (B) AND (D).

[1](#)1. (C) Post delivered ref A points to MFA UN Security Council Action Officer Dirk Stockhausen on June 30 and then followed up with him on July 2, emphasizing the importance that the U.S. placed on reaching a resolution that would allow the six aspirant countries to participate in the Contact Group for Piracy off the coast of Somalia (CGPCS). Stockhausen said that Germany agreed completely on the U.S. criteria for participation in the CGPCS and thought all six aspirant countries should be included. He thought it was especially important that Cyprus, notwithstanding Turkish objections, be part of the group, given its status as one of the largest flag states in the world. He also agreed that the best way forward at this point was simply to have the respective chairs of the plenary and working group meetings to issue invitations as they saw fit, including to the six aspirants.

STILL SUPPORTIVE OF AN INTERNATIONAL TRIBUNAL

[1](#)2. (C) Stockhausen also noted that Germany continued to support establishing an international piracy tribunal, notwithstanding the arguments against the idea put forth by the U.S. in its recent non-paper. He said that Germany, for

example, planned to participate in a July 7 meeting that the Netherlands was hosting on this issue. He said the problem with prosecuting piracy cases in national courts on the basis of the "victim state principle" was that it was not always very clear which affected state should take the lead. Should it be the flag state of the ship? Or should the decision be based on the nationality of the ship-owner, the owner of the cargo and/or the ship's crew? He also noted that in Germany, the final decision on whether to pursue prosecution of a suspected pirate lay in the hands of judicial authorities, not the government, which meant that national prosecution was not always a reliable mechanism.

13. (C) Stockhausen said the German view was that it made much more sense to prosecute these piracy cases locally, in the region where they were committed, rather than sending the suspected pirates all over the world for prosecution in different national jurisdictions. Since it was not possible (nor in some cases desirable) for Kenya and other countries in the region to prosecute all these cases in their national courts, it was necessary to have an international tribunal. He reiterated the arguments that Germany has made before (ref B) about setting up the tribunal by either attaching it to an already existing national court in the region, as was done in Cambodia (the so-called "Khmer Rouge Tribunal") or establishing it as a stand-alone structure in a region where there is already administrative and clerical expertise, such as in Arusha, Tanzania, where the International Criminal Tribunal for Rwanda is located.

Koenig